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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,150	03/17/2004	Keun-Hee Bai	8021-215 (SS-19582-US)	3946
22150 7590 06/22/2007 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER RAYMOND, BRITTANY L	
			ART UNIT 1756	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/802,150	Applicant(s) BAI ET AL.	
	Examiner Brittany Raymond	Art Unit 1756	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-17, 19-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-17, 19-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1, 2, 5-10, 12, 13, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindley (U.S. Patent 6326307) in view of Gabriel (U.S. Patent 6103457).

Lindley discloses an etching process comprising: providing a substrate with several metallization layers (Column 1, Lines 13-14), placing a photoresist layer on top of the oxide layer and patterning it to form a mask for etching (Column 4, Lines 62-64), pretreating the patterned photoresist layer and etching the metallization layers (Column 4, Lines 64-66), as recited in claim 1 of the present invention. Lindley states that the etching is performed with a fluorocarbon plasma, as recited in claims 6 and 21 of the present invention. Since the layers are being exposed to fluorocarbon plasma during

Art Unit: 1756

the etching process, this means that fluorine radicals are present during etching, as recited in claim 5 of the present invention. Lindley discloses that a dielectric layer, such as silicon dioxide, is typically used as one of the metallization layers being etched (Column 1, Line 15-16), as recited in claim 1 of the present invention. Lindley states that a polymer layer is formed over the top of the photoresist layer and the photoresist sidewalls during the fluorocarbon treatment (Column 3, Lines 55-56), as recited in claims 12 and 21 of the present invention. Lindley also states that carbon monoxide gas can be present during the plasma treatment (Column 8, Line 22), as recited in claims 2, 10, 13, and 23 of the present invention. Finally, Lindley discloses that the main etch is performed in the same reactor as the photoresist pretreatment, without extinguishing the plasma between the two steps (Column 5, Lines 49-51), as recited in claim 7 of the present invention. Lindley states that in this type of etch reactor, RF bias power is coupled to a pedestal electrode supporting the wafer to be etched (Column 5, Lines 8-10), which is taken to mean that power is supplied to the bottom of the wafer, as recited in claim 8 of the present invention. Lindley also states that the RF power increases when transitioning between photoresist pretreatment and the etching process (Column 5, Lines 53-55), as recited in claim 8 of the present invention.

Lindley fails to disclose that plasma used for the photoresist treatment is formed using a fluorine-free carbon-containing gas.

Gabriel discloses an etch process comprising: providing a substrate and oxide layer (Column 4, Line 1), placing a metallization layer over the oxide layer (Column 4, Line 4), forming a photoresist layer over the metallization layer and patterning the

photoresist to form a photomask for etching (Column 4, Lines 8-15), and exposing the layers to a fluorocarbon plasma for forming a polymer layer over the photoresist layer to resist etching and for etching of the metallization layer (Column 4, Lines 30-36). Gabriel states that a carbon-based plasma may be used in the process, instead of a fluorocarbon plasma (Column 4, Lines 53-54), as recited in claims 1, 9, 12, and 21 of the present invention.

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, to have used a fluorine-free carbon-containing gas, as suggested by Gabriel, in the process of Lindley because Gabriel teaches that this type of gas can create a plasma that works just as well as the fluorocarbon plasma at protecting the photoresist layer against etching.

3. Claims 3, 11, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindley (U.S. Patent 6326307) and Gabriel (U.S. Patent 6103457) in view of Ko (U.S. Patent Publication 2003/0129816).

The teachings of Lindley and Gabriel have been discussed in paragraph 2 above.

Lindley and Gabriel fail to disclose that the plasma used in the treatment and etching processes can be generated by carbon dioxide.

Ko discloses a process for increasing silicon-containing photoresist selectivity comprising: providing a substrate with a photoresist placed on top, exposing the photoresist to a light source for patterning (Paragraph 0026), eventually curing the photoresist layer with a plasma, which may be formed by carbon dioxide or carbon

monoxide gas (Paragraph 0037), and etching the substrate in an etch chamber (Paragraph 0037).

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, to have used carbon dioxide to generate a plasma, as suggested by Ko, in the process of Lindley and Gabriel because Ko teaches that carbon dioxide works similarly to carbon monoxide to harden a layer of photoresist so that the photoresist layer is protected against etching.

4. Claims 15-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindley (U.S. Patent 6326307) in view of Gabriel (U.S. Patent 6103457) as applied to claims 9, 10, 12, 13, and 22 above, and further in view of Ma (U.S. Patent 6830877).

The teachings of Lindley and Gabriel have been discussed in paragraph 2 above. Lindley also teaches that the photoresist is stripped by ashing after the etching process is complete (Column 4, Lines 55-57), as recited in claim 15 of the present invention and that conventional photoresist processing is used (Column 4, Lines 60-64), which includes photoresists requiring a 193 nm light source.

Lindley and Gabriel fail to disclose that the photoresist pattern was formed by an ArF light source.

Ma discloses a method for forming via and contact holes with a photoresist comprising imaging a photoresist material using an argon fluoride laser source since a 193 nm source is required (Column 2, Lines 7-11), as recited in claim 15 of the present invention.

Lindley and Gabriel teach every limitation of dependent claims 16, 17, 19, and 20 of the present invention.

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, without undue experimentation to have used an argon fluoride laser source, as suggested by Ma, in the photoresist patterning process of Lindley and Gabriel because the exposure conditions for a photoresist are dependent on the specific photoresist used in the process.

### ***Response to Arguments***

5. Applicant's arguments filed 4/16/2007 have been fully considered but they are not persuasive.

Applicant argues that the carbon-based plasma of Gabriel may contain fluorine. Gabriel states that as an alternative to the fluorocarbon plasma, a fluorine-based or a carbon-based plasma may be used. This is read as if the carbon-based plasma does not contain fluorine. Applicant also argues that Lindley teaches that fluorine is present along with carbon monoxide in the pretreatment plasma. Lindley is not being used to teach a fluorine-free plasma. Lindley is being used to teach there is a pretreatment step and that carbon monoxide can be used to add carbon to a plasma used in the pretreatment step, whether fluorine is present or not.

Applicant argues that there is no suggestion or motivation to combine Gabriel with Lindley because Gabriel teaches that the carbon-based plasma is used to resist a metal etching plasma rather than a dielectric layer etching plasma. Gabriel is being

used to teach that a carbon-based plasma can be used to protect a photoresist from an etchant, regardless of the type of etchant used in the process.

Applicant argues that Lindley and Gabriel use and encourage using fluorine-based plasma in the pretreatment process. Lindley is not being used to teach a fluorine-free pretreatment plasma. Gabriel states that a carbon-based plasma can be used *as an alternative* to the fluorocarbon plasma, which means that it can work just as well as the fluorocarbon plasma.

The dependent claims, rejected by Lindley, Gabriel, Ko, and Ma, remain rejected based on the arguments presented above.

### **Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

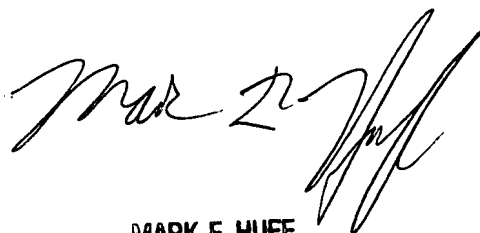


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brittany Raymond whose telephone number is 571-272-6545. The examiner can normally be reached on Monday through Friday, 8:00 a.m. - 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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